

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	EDCV 13-1566-GHK (KK)	Date	May 22, 2015
Title	Miar K. Gainer v. Timothy Cross et al.		

Present: The Honorable	Kenly Kiya Kato, United States Magistrate Judge		
Deb Taylor	None	None	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiff:		Attorneys Present for Defendants:	
None Present		None Present	

**Proceedings:** (In Chambers) Order for Defendant Dekker to Show Cause For Failure to File Responsive Pleading

On June 3, 2014, Plaintiff Miar K. Gainer, proceeding *in forma pauperis* and *pro se*, filed a Fourth Amended Complaint pursuant to 42 U.S.C. § 1983. (ECF Docket No. (“Dkt.”) 26). The Fourth Amended Complaint asserted a Fourteenth Amendment claim against defendant and Riverside County Jail Sheriff’s Deputy Christian Dekker. (*Id.*).

On June 5, 2014, the Court ordered that the U.S. Marshal serve the Fourth Amended Complaint and a 21-day summons on the defendant, at an address designated by Plaintiff. (Dkt. 28).

On March 19, 2015, the U.S. Marshal filed a “Process Receipt and Return” form notifying the Court it served the Fourth Amended Complaint and summons on defendant Dekker at the address designated by Plaintiff on March 12, 2015. (Dkt. 35). As of the date of this Order, defendant Dekker has failed to file any responsive pleading.

Under Federal Rule of Civil Procedure 12(a)(1)(A)(i), a defendant must file a responsive pleading within 21 days after being served with a summons and complaint. Fed. R. Civ. P. 12(a)(1)(A)(i). Here, defendant Dekker has failed to file a responsive pleading within 21 days of the date of service.

Accordingly, defendant Dekker is **ORDERED TO SHOW CAUSE**, in writing, why he has failed to file a responsive pleading. Defendant Dekker shall have up to and including **June 5, 2015** to respond to this Order. Defendant Dekker is cautioned that his failure to timely file a response to this Order may result in the entry of default, pursuant

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to Federal Rule of Civil Procedure 55(a).